



CORRECTED COPY

**A RESOLUTION
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION**

03- R -0591

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXTEND A RETAINER AGREEMENT WITH THE LAW FIRM OF SUTHERLAND ASBILL & BRENNAN, LLC TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH LEGAL MATTERS RELATED TO THE 20-YEAR OPERATIONS AND MAINTENANCE AGREEMENT WITH UNITED WATER SERVICES UNLIMITED ATLANTA, LLC; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$225,000; AND FOR OTHER PURPOSES.

Whereas, on December 24, 1998, the City of Atlanta entered into a 20-year Operations and Maintenance Agreement with United Water Services Unlimited Atlanta, LLC ("UWSA"); and

Whereas, pursuant to that Agreement (FC-6946-98), the City of Atlanta agreed to pay UWSA the amount of \$21,400,000.00 per year to operate and manage the City's drinking water system; and

Whereas, performance issues related to the UWSA Contract required the mutual dissolution of that Agreement between the City of Atlanta and UWSA; and

Whereas, the City Council authorized the City Attorney to engage the legal services of the law firm of Sutherland Asbill & Brennan, LLC as outside counsel, due to the particularized expertise and resources needed to properly advance the interests of the City of Atlanta; and

Whereas, the City of Atlanta has successfully executed a Mutual Dissolution Agreement with UWSA, primarily through the legal services provided by the law firm of Sutherland Asbill & Brennan; and



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Whereas, there remain outstanding legal issues related to the Mutual Dissolution Agreement, transfer of oversight regarding the terminated UWSA Contract, and the negotiation and execution of related third-party vendor contracts, which require intense supervision and legal analysis by the law firm of Sutherland Asbill & Brennan, the City Attorney and her staff in order to protect the City's position in this transaction; and

Whereas, the City Attorney has determined that the law firm of Sutherland Asbill & Brennan, LLC has both the specialized practice skills as well as the considerable legal resources necessary to augment the expertise in the City Law Department.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney be and is authorized to extend its retention agreement with the law firm of Sutherland Asbill & Brennan, LLC to serve as outside counsel to the City Attorney on legal matters related to the 20-year Operations and Maintenance Agreement with United Water Services Unlimited Atlanta, LLC ("UWSA").

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to incur legal fees, costs and expenses related to this matter in an amount not to exceed \$225,000.00.

BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firm of Sutherland Asbill & Brennan, LLC in connection with forgoing matters, once approved for payment by the City Attorney, in an amount not to exceed \$225,000.00 to be paid from Fund Account and Center Number 2J01 524001 Q11001.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 21, 2003
APR 28, 2003

3/31/03 8:48 AM

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0186	36. 03-R-0451	72. 03-R-0498
2. 03-O-0350	37. 03-R-0571	73. 03-R-0499
3. 03-O-0401	38. 03-R-0549	74. 03-R-0500
4. 03-O-0442	39. 03-R-0555	75. 03-R-0501
5. 03-O-0438	40. 03-R-0556	76. 03-R-0502
6. 03-O-0445	41. 03-R-0558	77. 03-R-0503
7. 03-O-0446	42. 03-R-0559	78. 03-R-0504
8. 03-O-0443	43. 03-R-0560	79. 03-R-0505
9. 03-O-0450	44. 03-R-0561	80. 03-R-0506
10. 03-O-0485	45. 03-R-0562	
11. 03-O-0399	46. 03-R-0563	
12. 03-O-0369	47. 03-R-0564	
13. 03-O-0416	48. 03-R-0572	
14. 03-O-0193	49. 03-R-0588	
15. 03-O-0355	50. 03-R-0589	
16. 03-O-0359	51. 03-R-0590	
17. 03-O-0360	52. 03-R-0448	
18. 03-O-0436	53. 03-R-0454	
19. 02-O-1543	54. 03-R-0528	
20. 03-O-0432	55. 03-R-0529	
21. 03-O-0433	56. 03-R-0569	
22. 03-O-0434	57. 03-R-0570	
23. 03-R-0444	58. 03-R-0591	
24. 03-R-0530	59. 03-R-0592	
25. 03-R-0531	60. 03-R-0217	
26. 03-R-0532	61. 03-R-0539	
27. 03-R-0533	62. 03-R-0541	
28. 03-R-0534	63. 03-R-0542	
29. 03-R-0535	64. 03-R-0566	
30. 03-R-0536	65. 03-R-0593	
31. 03-R-0537	66. 03-R-0544	
32. 03-R-0538	67. 03-R-0545	
33. 03-R-0546	68. 03-R-0565	
34. 03-R-0577	69. 03-R-0496	
35. 03-R-0390	70. 03-R-0497	

**Items Adversed on
the Consent Agenda**

81. 03-R-0507
82. 03-R-0508
83. 03-R-0509
84. 03-R-0510
85. 03-R-0511
86. 03-R-0512
87. 03-R-0513
88. 03-R-0514
89. 03-R-0515
90. 03-R-0516
91. 03-R-0517
92. 03-R-0518
93. 03-R-0519
94. 03-R-0520
95. 03-R-0521
96. 03-R-0522
97. 03-R-0523
98. 03-R-0524
99. 03-R-0525
100. 03-R-0526
101. 03-R-0527

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391

ADMINISTRATIVE CORRECTION TO LEGISLATION REQUEST FORM

TO:

Rhonda Dauphin Johnson
Municipal Clerk

Re: 03-R-0591

Legislative ID Number (Ordinance/Resolution)

4/21/03
Adoption Date

4/28/03
Approval Date

FROM:

☐ Councilmember

☒ Department Head

Name:

Linda DiSantis

Dept/Bureau:

Department of Law

E-Mail Address:

lkdisantis@ci.atlanta.ga.us

Telephone No:

404-330-6469

Fax No.: 404-658-6894

X Linda K. DiSantis

Signature(s) of Councilmember and/or Department Head

(Questions 1-5, below and on reverse side of page, must be completed.)

1.) What is the requested change/correction? (Give detailed description; Use additional page(s) if necessary; Provide supporting attachments as needed.)

The change requested is to revise the fund account center

number from 2J01 524001 #11001 to 2J01 524001 011001, which
is currently reported in 03-R-0591.

(Do not write above this line)
03me R-0591

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BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION

A RESOLUTION AUTHORIZING THE
CITY ATTORNEY TO EXTEND A RE-
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FIRM OF SUTHERLAND ASBILL &
BRENNAN, LLC TO SERVE AS OUT-
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ATLANTA IN CONNECTION WITH
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20-YEAR OPERATIONS AND MAIN-
TAINENCE AGREEMENT WITH UNITED
WATER SERVICES UNLIMITED
ATLANTA, LLC: TO AUTHORIZE
EXPENDITURES FOR THAT PURPOSE
IN AN AMOUNT NOT TO EXCEED
\$225,000; AND FOR OTHER
PURPOSES.

APPROVED BY: *Julia DiStasio*

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSL Committee

Date

Chair

Action

(Fav, Adv, Hold (see rev. side)
Other

Members

DeStasio

Lawrence

C. J. Mundy

Jeffery

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

ADOPTED BY

APR 2 1 2003

COUNCIL

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
APR 2 1 2003

William R. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 2 1 2003

Frank Benjamin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Frank
APR 2 8 2003